

## DEPARTMENT OF FINANCE BILL ANALYSIS

**AMENDMENT DATE:** Original  
**POSITION:** Oppose

**BILL NUMBER:** SB 1228  
**AUTHOR:** A. Maldonado

### **BILL SUMMARY: All-Terrain Vehicles: Age Requirements**

Existing law restricts children under 14 years of age from operating an all-terrain vehicle (ATV) on public lands unless they meet certain requirements. This bill would increase the age requirement from 14 to 16, and require children to possess an ATV safety certificate before riding on public lands. In addition, the bill would limit the size of ATVs that children under the age of 16 could operate on public lands.

### **FISCAL SUMMARY**

Currently, the Department of Parks and Recreation (Parks) sponsors an ATV safety training and certification program free of charge to anyone under the age of 18 as an incentive to get children trained. The ATV Safety Institute (ASI), a nonprofit ATV safety training organization, provides the training under contract with Parks. The ASI charges Parks \$75 per student. Adults can receive the same training for a fee. In 2007, Parks was charged \$79,950 for 1,066 training sessions.

On average, 9,663 children size ATVs (those for ages 6 to 15) were sold each year in California over the past five years. If Parks continues to sponsor the safety training and certification free of charge, the annual fiscal impact to Parks could be up to \$725,000 (9,663 youth size ATVs x \$75 per student) Off-Highway Vehicle Trust Fund (OHV Fund). However, the fiscal impact may be significantly less because manufacturers include the safety training with the purchase of a new ATV.

The projected fund balance of the OHV Fund by 2008-09 is approximately \$66 million. Consequently, there would be sufficient funds to continue the free safety training and certification program.

### **COMMENTS**

We are opposed to this bill for the following reasons:

- According to the Consumer Product Safety Commission, the majority of the ATV accidents sustained by children occur on private property, not public land. This bill would not address ATV use on private property where most of the accidents occur.
- This bill is unnecessary because existing law already requires ATV riders on public lands to be able to reach and operate all controls necessary to operate the vehicles, which enables law enforcement agents to stop inappropriate use of adult sized ATVs by children riders.
- By limiting the size of ATVs that children can operate, this bill could have an unintended consequence of increasing accidents and injuries. A 90cc ATV is a small frame size and under-powered for a large child. The possibility of accidents and injuries occurring with large children riding smaller ATVs would likely increase due to a higher center of gravity on a smaller, lighter vehicle.

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Analyst/Principal (0633) M. Almy	Date	Program Budget Manager Karen Finn	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

<b>BILL ANALYSIS</b>	Form DF-43 (Rev 03/95 Buff)
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**BILL NUMBER**

SB 1228

		SO	(Fiscal Impact by Fiscal Year)						
Code/Department	LA	(Dollars in Thousands)							
Agency or Revenue	CO	PROP							
Type	RV	98	FC	2008-2009	FC	2009-2010	FC	2010-2011	Fund Code
3790/Parks & Rec	SO	No	-----	See Fiscal Summary				-----	0263
<u>Fund Code</u>	<u>Title</u>								
0263	Off-Highway Vehicle Trust Fund								